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Verification in all its aspects, including the role of the United Nations in the field of verification

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Report of the Secretary-General

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I. Introduction

1. On 3 December 2004, the General Assembly adopted resolution 59/60, entitled "Verification in all its aspects, including the role of the United Nations in the field of verification", in paragraph 2 of which the Assembly requested the Secretary-General to report to the General Assembly at its sixtieth session on further views received from Member States on the issue.

2. Pursuant to that request, on 25 February 2005, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Canada

[Original: English]
[18 May 2005]

The following paper provides the views of Canada on the implementation of General Assembly resolution 59/60, by which the Assembly decided to establish a panel of government experts in 2006 mandated to examine verification in all of its aspects, including the role of the United Nations. It examines the international security context for verification, work completed on verification issues by previous United Nations expert groups and current Canadian perspectives on verification. This paper concludes with a brief discussion of a number of considerations regarding the proposed work of the 2006 panel of government experts.

Verification and international security

Verified compliance with arms control and disarmament agreements provides significant security benefits to the international community. These benefits are as important today as they were during the cold war. We must continue to "trust but verify" precisely because non-compliance with freely negotiated arms control and disarmament agreements can seriously erode the trust so vital to the success of such agreements.

While verification mechanisms do require a commitment of resources, these resources are widely recognized as wise investments when compared to the costs of alternative security approaches such as the maintenance of large conventional forces or stockpiles of nuclear, chemical or biological weapons. Moreover, the continued existence of weapons of mass destruction (WMD) and the threat they constitute to international peace and security, argue that potential non-compliance with WMD disarmament and non-proliferation obligations will remain a critical issue of war and peace for the foreseeable future.

Verification and the United Nations

The United Nations has long recognized the value of verification. The first United Nations special session on disarmament in 1978 noted in its Declaration that "Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties."[1]

In December 1985, the General Assembly adopted resolution 40/152 O "Verification in all its aspects" by consensus. The resolution, initiated by Canada, called upon States, inter alia, to communicate to the Secretary-General their views on verification principles, procedures and techniques to promote the inclusion of adequate verification in arms limitation and disarmament agreements, and on the role of the United Nations in the field of verification.

In 1988, the General Assembly endorsed a set of 16 principles of verification developed by the United Nations Disarmament Commission, which continue to enjoy support through biennial resolutions of the Assembly. The central role of verification was reflected in the first of these 16 principles, which states that "Adequate and effective verification is an essential element of all arms limitation and disarmament agreements".

Building upon this early work, the General Assembly requested the Secretary-General to undertake, with the assistance of a group of governmental experts, a detailed study of the role of the United Nations in the field of verification. The report of the Group of Experts was submitted to the Assembly in 1990. In its resolution 45/65 the Assembly welcomed the report and requested the Secretary-General to take appropriate follow-up action. The 1990 Group of Experts offered conclusions and recommendations in six main areas related to the role of the United Nations in the field of verification:

1. Data-collection capability;
2. Exchanges between experts and diplomats;
3. Role of the Secretary-General in fact-finding and other activities;
4. Use of aircraft for verification purposes;
5. Use of satellites;
6. An international verification system.

In the light of the rapidly changing nature of disarmament and international security in the immediate post-cold war era, General Assembly resolution 48/68 of 16 December 1993 once again established a group of governmental experts to examine "the lessons of recent United Nations verification experience and other relevant international developments and to explore the further development of guidelines and principles for the involvement of the United Nations in verification". The 1995 Group of Experts provided recommendations on possible roles for the United Nations in three areas:

1. Facilitating and coordinating roles between existing verification procedures and implementing bodies;

[1] A/RES/S-10/2, para. 31

2. Common service roles, including provisions of databases, information collection and analysis, and training and involving the development of expertise within the United Nations upon which other organizations, other parts of the United Nations or Member States can draw to meet verification requirements; and

3. Operational roles related to third-party verification and specific obligations that require verification, for which the United Nations has responsibility.[2]

Some of the recommendations provided by these earlier Group of Expert efforts have been implemented at the national or international level, but several have not yet been fully considered or acted upon.

Canadian perspectives on verification

The recent interest of Canada in verification issues can be traced to its 1986 study entitled "Verification in All its Aspects: A Comprehensive Study on Arms Control and Disarmament Verification Pursuant to General Assembly resolution 40/152 O". Through its verification research programme, Canada has undertaken a broad range of verification research efforts since the mid-1980s, including weapons-specific as well as cross-sector and interdisciplinary studies. Canada played an active role in the development of the 16 principles of verification and had the honour of chairing the 1995 Group of Government Experts mandated to examine verification in all its aspects. Noting the continued importance of verification within the new international security context, Canada initiated a discussion of verification issues in the First Committee at the fifty-eighth session of the General Assembly. In October 2004, Canada submitted a revised version of its biennial verification resolution, adopted without a vote, which solicited views of Member States on the issue of verification in all its aspects and the United Nations role therein and agreed to establish a Panel of Government Experts to convene in 2006 and report back to the General Assembly.

Canada also continues its tradition of funding advanced verification research through its International Security Research and Outreach Programme (ISROP) within Foreign Affairs Canada. In anticipation of the convening of the 2006 panel of government experts, as well as to support the work of the Weapons of Mass Destruction Commission (Blix Commission), Canada commissioned a two-part study through ISROP in the fall of 2004 designed to update our thinking on verification issues. The first part of the study entitled "WMD verification and compliance: the state of play" (October 2004) was completed for ISROP by the United Kingdom-based Verification Research, Training and Information Centre (VERTIC). The report was designed to provide an updated baseline analysis of the principal WMD agreements and the mechanisms by which compliance with their obligations is verified and, when required, suspected and verified non-compliance issues are resolved. A copy of the report can be found on the website of the Weapons of Mass Destruction Commission at http://www.wmdcommission.org/files/No19.pdf.

[2] A/50/377, p. 10.

Building on the VERTIC analysis, a second report, entitled "Weapons of Mass Destruction Verification and Compliance: Challenges and Responses" (November 2004), was commissioned from 59 Canadian and international experts. It attempted to address two forward-looking questions: what are the challenges currently facing our WMD verification and compliance mechanisms, and what are some of the practical and potentially achievable responses to these challenges? This study utilized an integrated consultation process which combined an Internet-based expert questionnaire containing 72 questions on WMD-related verification and compliance issues, followed by a series of five conference calls and a two-day workshop with approximately 20 Canadian and international Government and non-government experts. A copy of the report can be found on the website of the Weapons of Mass Destruction Commission at http://www.wmdcommission.org/files/No20.pdf.

The second report included a total of 39 specific verification and compliance related recommendations, presented to the Weapons of Mass Destruction Commission in November 2004, within four main thematic areas:

1. Expanding the scope of WMD verification and compliance mechanisms;

2. Addressing emerging verification challenges;

3. Compliance management;

4. Investing in smart WMD verification and compliance mechanisms.

The aim of this most recent Canadian verification research effort was not to reach specific conclusions on these issues, and its results do not reflect official Canadian Government policy. Rather it was designed to draw upon the views of a relatively large group of experts to stimulate substantive examination of verification and compliance challenges currently facing the multilateral community. The two reports in fact reveal an active and very rich international debate on these issues and, as such, may prove useful as a background to further consideration by States or by the Panel of Experts.

Considerations regarding the work of the 2006 panel of government experts

International developments and the views provided by the experts consulted by Canada during the development of its research submission to the Weapons of Mass Destruction Commission suggest there is important work that could be usefully undertaken by the 2006 United Nations panel of government experts in at least four main areas.

1. **Review of the conclusions of the 1995 Group of Experts**. Consistent with the approach of earlier expert groups, Canada would like the work of the 2006 panel of government experts to begin with a review of previous United Nations work, especially the report of the 1995 Group of Experts. This effort should focus on the identification of areas of analysis that could be usefully updated in order to provide a longer-term vision of key trends within the verification sector. In order to advance the work of the 2006 panel, consideration should be given to asking an expert consultant to complete baseline analysis prior to the first meeting of the panel. This analysis should include a review of more recent work undertaken within the United Nations context on verification issues, such as the recommendations of the

Secretary-General's Advisory Board on Disarmament Matters, the High-Level Panel on Threats, Challenges and Change, and the recent report of the Secretary-General "In larger freedom: towards development, security and human rights for all". There are also a number of expert studies relevant to verification issues that have been produced outside the United Nations context that could provide useful information for this analysis.

2. **Lessons from recent verification experiences**. Much has happened since the 1995 Group of Government Experts completed its work, and a great deal can and should be learned from practical verification experiences over the past decade. Among other aspects, the report "WMD verification and compliance: the state of play" suggests that WMD verification institutions, techniques and technologies have evolved dramatically over the past few years. In this regard, the growing technical competence of international verification bodies such as the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Comprehensive Nuclear-Test-Ban Treaty Organization is widely recognized. Approaches in the conventional arms sector can also provide valuable, often innovative, experience on which to draw, in areas such as the contribution of non-governmental organizations in monitoring treaty implementation, a role played by the *Landmine Monitor* with regard to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Mine Ban Treaty).

3. **Improvements in existing mechanisms**. Some verification mechanisms still need to be universalized, and this must remain a priority. Other mechanisms need to be improved or more fully implemented. The need for technical improvements in the light of new technologies, techniques and challenges presented by the new security environment requires examination, including the contribution that new scientific and technical developments can make to improve verification. Rapid scientific developments, however, require attention in that they can produce new or modified weapons and new ways to disguise the development of such new weapons. The issue of the acquisition and use of WMD by non-State actors has also emerged as a major issue of concern in recent years, given that most of our verification mechanisms were initially developed to address State-to-State security concerns.

4. **The role of the United Nations in the field of verification**. There is widespread recognition that there are significant gaps within the current international verification system and there has been an active debate about what role the United Nations might play in addressing these important capability gaps.

The need for some form of verification regime to address biological weapons issues remains a significant concern. The 2006 panel of experts could explore ways to address this lacuna in ways that complement ongoing efforts to strengthen the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction itself. The investigative mechanism of the Secretary-General regarding the alleged use of biological and chemical weapons also requires updating as the lists of available personnel are considerably out of date.

There is also a pressing need to address verification issues associated with WMD delivery systems, such as ballistic or cruise missiles or unmanned aerial vehicles. It is true that such systems are not currently constrained by any multilateral legally binding control regime upon which verification mechanisms

could be based. Useful work should, however, still be undertaken on missile verification recognizing, inter alia, the fact that the United Nations has already been called upon by the Security Council, through the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to conduct ballistic missile verification efforts.

Related to the potential proliferation of WMD to non-State actors, Security Council resolution 1540 (2004) presents new verification challenges that could be usefully addressed by the panel of experts. If resolution 1540 (2004) is to become an effective mechanism through which to address the implementation of WMD prohibitions at the national level, there is a clear need for the completeness and accuracy of the national submissions provided to the United Nations pursuant to this resolution to be effectively verified as a critical step towards addressing compliance issues.

Beyond WMD issues, there are also important questions related to roles the United Nations might play in verifying compliance with conventional arms embargoes or other restrictions on conventional arms imposed by the Security Council or otherwise agreed by Member States. For example, the Secretary-General is the depository for the 1997 Mine Ban Treaty and plays a central role in the verification mechanisms negotiated for that regime. The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects continues to expand into new areas and is in the process of considering appropriate compliance mechanisms. The panel of experts could also examine the role of the United Nations in verification efforts associated with the implementation of disarmament obligations associated with local agreements such as peace support operations.

There are also critical issues associated with the development of the institutional capacity of the United Nations to support verification, including the relationship of such capacity to other international verification institutions. In this regard, the experience with UNMOVIC has clearly demonstrated the capability of the United Nations to develop and maintain a highly professional, impartial and effective verification organization capable of operating in even the most difficult political environments. The UNMOVIC experience also underscores the tremendous synergies that can be realized through genuine cooperation and complementarity between the United Nations and the specialized agencies such as the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons.

At least two key institutional lessons from the United Nations experience of the past decade appear to be clear and directly relevant to the issue of United Nations verification capabilities. It is very difficult to develop new United Nations capacities rapidly in response to urgent requirements. It is equally clear that once such capacities have been developed, caution should be exercised regarding decisions to abandon them. One important task for the 2006 panel of experts should be the careful evaluation of the merits of a standing United Nations verification capacity, drawing on the lessons learned from the UNMOVIC experience. It is noteworthy in this regard that the issue of a standing multilateral verification capability has been actively considered by previous verification expert groups. The 2006 panel of experts should consider if this is an idea whose time has finally come.

Chile

[Original: Spanish]
[13 May 2005]

Chile considers that all disarmament instruments should establish effective verification measures, since verification is the mechanism that allows for maximum security that nuclear, chemical and biological materials and facilities are being used solely for peaceful purposes. An effective safeguards system acts as a confidence-building measure, an early-warning mechanism and a trigger for preventive action by the international community against non-peaceful use.

Chile has concluded an additional protocol to its agreement on the application of safeguards with the International Atomic Energy Agency (IAEA) and is in favour of the adoption of such a protocol by all States.

Chile is a party to the Comprehensive Nuclear-Test-Ban Treaty and participates in its verification system through seven monitoring stations using the four technologies. It is currently considering the installation of an eighth ultrasound station. Chile has regularly urged the States whose adherence to the Treaty is required for its entry into force to sign and ratify it.

Chile considers that the Annex on Implementation and Verification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction has been important in verifying the destruction of chemical weapons by the States parties possessing them and in establishing controls on the international chemical industry with regard to the production of dual-use substances. However, it believes that States possessing chemical weapons should proceed more quickly towards completing their planned destruction by 2012.

In Chile a bill is under consideration to amend Act No. 17,798 on arms control; the bill would empower the Ministry of Defence to monitor and control items having to do with chemicals, industrial facilities, laboratories and installations intended for the stockpiling, storage, use, production or processing of chemicals or their precursors subject to control under the international treaties to which Chile is a party, and items used in the physical and chemical processes.

Chile has played an active role in international forums in the search for consensus formulas that would allow for progress in the adoption of a verification mechanism for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

Chile is also a party and has played an active role in relation to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; and the International Code of Conduct against Ballistic Missile Proliferation.

Guatemala

[Original: Spanish]
[9 May 2005]

I have the honour to transmit below the information requested.

A. The State of Guatemala, at the regional level, as party to the Central American Integration System, is involved in setting the schedule for the programme for arms limitation and control in Central America to achieve a reasonable balance of forces and to foster stability, mutual trust and transparency.

B. In 2006 it would be helpful if the official assigned to the Conference of Armed Forces of Central America were to be involved in exploring the question of verification, including the role of the United Nations in the field of verification, called for in paragraph 3 of General Assembly resolution 59/60.

Japan

[Original: English]
[20 April 2005]

Japan attaches great importance to the verification in the field of arms control, disarmament and non-proliferation.

With regard to the proposal of establishing a panel of government experts in 2006, Japan considers it important to set clear guidance for the objectives and the scope of the discussion at the panel before its establishment.

It should be pointed out that there are various aspects to be considered. First, we already have the verification system of the International Atomic Energy Agency (IAEA) for nuclear material and activities and the Organization for the Prohibition of Chemical Weapons for chemical weapons and related materials and technologies. The work undertaken under resolution 59/60 must neither undermine nor overlap the function of the existing verification systems and discussions undertaken within the respective bodies.

With regard to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, there is an ongoing process to strengthen it. The work of the panel should not undermine the ongoing process under the Convention.

With regard to missiles, since there is no international legal instrument banning their use and possession, it has thus not been identified what kind of missiles should be placed under verification.

These questions remain unanswered. They should be carefully examined before the establishment of the panel and should be duly reflected upon in the terms of the reference of the panel.

In addition, efforts should be made to operate the panel in a reasonable and cost-effective manner to ensure sound United Nations budgetary management.

We are looking forward to working towards the productive achievements of the panel to be established in 2006.

Mexico

[Original: Spanish]
[16 May 2005]

Mexico maintains its position that verification of compliance with disarmament and arms control agreements is indispensable in building international confidence in the feasibility of full implementation of such agreements and hence in making the achievement of the goals of the agreements politically sustainable.

Mexico maintains its support for the 16 principles of verification adopted by the United Nations Disarmament Commission in 1988 and remains convinced that it would be useful to explore the possibility that various parts of the United Nations system could play a more active role in the implementation of certain specific verification measures and in matters related to quality control of verification systems and mechanisms, including the aspects of cost-effectiveness, efficiency and impartiality.

It will also be important to take into account the experience gained by international organizations such as the Organization for the Prohibition of Chemical Weapons and the International Atomic Energy Agency or by international verification missions, which could contribute substantially to the design of international verification measures.

Mexico reiterates that in the field of verification it is essential to strike a balance between the need for supervision, inspection, monitoring, reporting and the like and confidentiality measures and policies to protect industrial property rights. Mexico is of the view that verification systems or mechanisms based on legally binding instruments are to be preferred when defining the scope and limits of a particular verification system or mechanism.

Mexico also reaffirms that, since verification is not an end in itself, its value must be assessed in relation to what it is intended to safeguard, that is, the confidence of the international community in the credibility, transparency and physical and technological security that a particular verification system or mechanism provides.

Mexico considers it a highly valuable initiative that the General Assembly in its resolution 59/60 has requested the Secretary-General, with the assistance of a panel of government experts to be established in 2006, to explore this important topic and to transmit a report thereon, particularly in the light of the major scientific and technological advances that have been made in the field of verification.

Russian Federation

[Original: Russian]
[26 May 2005]

We believe that it would be useful to reflect on the following points in the discussion of the new draft resolution of the General Assembly on this question.

1. Events of the past few years have demonstrated that the establishment of verification regimes is a key factor in ensuring implementation of the most important agreements in the area of disarmament and non-proliferation. Work in that area must be directed towards the establishment of a reliable, effective and legally binding system for verifying observance of such international agreements.

2. An objective answer to the question of whether a State is meeting its international obligations under the international treaties it has concluded depends on the effectiveness of their verification mechanisms. That effectiveness is determined first of all by the degree to which the agreed procedures and verification techniques are improved and implemented.

3. The level of intrusiveness and the type of verification measures must depend on the nature and subject of the agreement and take into account the national security interests of each party to the agreement. Hence, such measures must be balanced and avoid giving a unilateral advantage to any State party during the conduct of verification.

4. Under some multilateral agreements in the area of arms control, disarmament and non-proliferation, such as the Treaty on the Non-Proliferation of Nuclear Weapons and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention), verification regimes and the inspection mechanisms they provide for have been established and function effectively. However, verification mechanisms have not been set up under other international treaties in this area, such as the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention). We believe that establishing such mechanisms will promote the increased effectiveness and viability of these international instruments.

5. One example of positive experience in the field of verification is provided by the activities of the International Atomic Energy Agency (IAEA) under the safeguards agreements and additional protocols to them. The additional protocol to the safeguards agreements is now recognized in practice as a standard for IAEA verification activities.

6. The Chemical Weapons Convention became the first global agreement subject to verification to prohibit an entire class of weapons of mass destruction. In many ways the Convention can serve as a model for implementing effective and non-discriminatory verification based on the principle of multilateralism. The verification regime it established provides for the submission of declarations on chemical facilities, continuous monitoring (routine inspections) and extraordinary measures involving a high degree of intrusiveness (challenge inspections).

7. Under the Biological Weapons Convention regime there are no agreed provisions on verification and consequently no inspection activities. That Convention's agreed mechanism for investigations through the Security Council is schematic in nature and needs further development. The absolute majority of States parties to the Biological Weapons Convention are in favour of elaborating a legally binding verification mechanism for the Convention. The Russian Federation supports such an approach.

8. With the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and its universalization, an historically unprecedented international system of treaty verification would come into being.

9. At present there is active discussion of the possibility of establishing a structure within the framework of the United Nations for verifying observance of obligations in the field of the non-proliferation of weapons of mass destruction and disarmament. That raises questions of a legal, organizational and financial nature with regard to the relationship between the new structure and existing agreements. A more rational solution would be to improve the verification mechanisms under existing agreements and to establish new ones where necessary.

10. Further enhancement of the effectiveness of verification activities must not be financially burdensome and may be supported by additional resources, including the use of new means of monitoring.

Sweden

[Original: English]
[19 May 2005]

Sweden considers the topic addressed in General Assembly resolution 59/60 to be of utmost importance. In Sweden's opinion, verification is a key element in all disarmament and non-proliferation agreements. Sweden, therefore, welcomes the establishment of a panel of experts, in accordance with paragraph 3 of resolution 59/60.

The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects is an example of an agreement with well-developed verification provisions and an established verification mechanism. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction lacks such a mechanism. Efforts should continue to develop a verification mechanism for the Convention.

In Sweden's view, the role of the Secretary-General's roster of inspectors should be studied further, as well as possible ways and means of drawing on the capabilities within the United Nations system, including those of the United Nations Special Commission and the United Nations Monitoring, Verification and Inspection Commission, in strengthening verification efforts. The role of confidence-building measures and the potential of Security Council resolution 1540 (2004) for strengthening compliance and non-proliferation efforts also warrant study.

In this context, Sweden notes with interest that the report of the High-level Panel on Threats, Challenges and Change recommends that States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction should return to negotiations for a credible verification protocol. It also recommends that States should negotiate a new bio-security protocol to classify dangerous biological agents and establish binding international standards for the export of such agents. The Secretary-General's roster of inspectors is also highlighted.